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**FILED**

APR 20 2015

SECRETARY, BOARD OF  
OIL, GAS & MINING

*Attorneys for the Division of Oil, Gas and Mining*

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**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

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In re Hidden Splendor Mine, Inc. and Request by the Utah Division of Oil, Gas and Mining that the Board of Oil, Gas and Mining Forfeit the reclamation surety which consists of a Deed of Trust in Unit No. R-2404-N of the American Towers Condominiums located at 57 West 200 South, Salt Lake City, Salt Lake County, Utah; and has been provided to guaranty reclamation of the Horizon Mine, Permit ACT/007/020 located in Sections 13 and 17, Township 13 South, Range 8 East, SLM, Carbon County, Utah.

**MOTION AND ORDER FOR LEAVE TO  
WITHDRAW DIVISION'S NOTICE OF  
AGENCY ACTION WITHOUT  
PREJUDICE**

Docket No. 2014-037

Cause No. ACT/007/020 (04)

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**MOTION**

The Division of Oil, Gas and Mining ("**Division**"), through its counsel hereby moves the Board of Oil, Gas and Mining ("**Board**") to grant leave for the Division to Withdraw the Notice of Agency Action filed in this matter provided such withdrawal shall be without prejudice to the

rights of the Division at some later date to file a Notice of Agency Action based on the same facts and seeking the same general relief. The Respondent has indicated to the Division through its counsel that it has no objection to this motion.

The hearing of the above entitled matter was continued from the February 25, 2015 Board Hearing until its hearings scheduled for March 25, 2015. This was the third continuance that had been requested as the parties sought to resolve the matter. The Division has determined that the matter is not ready for resolution by the Board at this time, but that rather than seek further continuances of the hearing, that the Division will file another NOAA at such time as the Division deems it appropriate and necessary.

Respectfully submitted this 20th day of April, 2015.

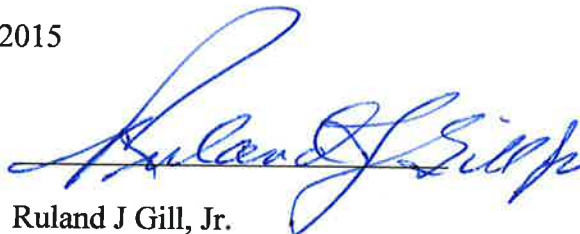
A handwritten signature in black ink, appearing to read 'Steven F. Alder', written over a horizontal line.

Steven F. Alder .  
Assistant Utah Attorney General  
*Attorney for the Division of Oil,  
Gas and Mining*

## ORDER

Upon Motion of the Division and for good cause appearing therefrom, the Board hereby Grants the Division Leave to Withdraw the NOAA without prejudice, allowing the Division to file a subsequent NOAA based on the same facts except as modified seeking among other things the same relief.

Dated this 22<sup>nd</sup> day of April, 2015

A handwritten signature in blue ink, reading "Ruland J. Gill, Jr.", written over a horizontal line.

Ruland J Gill, Jr.  
Chairperson of the Board  
Board of Oil, Gas and Mining

## CERTIFICATE OF MAILING

I certify that I caused a true and correct copy of the above Motion for Leave to Withdraw the NOAA without prejudice and Order Granting Leave to Withdraw NOAA without Prejudice was sent by email, hand delivery, or by certified mail as indicated this 20 day of April, 2015, to the following persons:

By hand delivery to:

Michael S. Johnson  
Assistant Attorney General  
Utah Board of Oil, Gas and Mining  
1594 West North Temple, Suite 300  
Utah 84116

Denise Dragoo,  
Counsel for Hidden Splendor  
Resources and Alex Walker III West  
Snell & Wilmer, LLP Salt Lake City,  
15 West South Temple Suite 1200  
Salt Lake City, Utah 84101  
By email to ddragoo@swlaw.com

American Towers Home Owners Association  
Suite 2208 American Towers  
48 West 300 South  
Salt Lake City, Utah, 84101

Estate of Cecil Ann Walker  
Care of  
Alexander H. Walker III,  
57 West 200 South, Suite 400  
Salt Lake City, Utah 84101

Kent Hoffman  
Deputy State Director  
Bureau of Land Management  
440 West 200 South, Suite 500,  
Salt Lake City, UT 84101



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### CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of May, 2015, I caused a true and correct copy of the foregoing **ORDER** for Docket No. 2014-037, Cause No. ACT/007/020 (04), to be mailed with postage prepaid, via E-mail, Certified Mail, or First Class Mail, to the following:

Michael S. Johnson  
Assistant Attorney General  
Utah Board of Oil, Gas and Mining  
Attorney for the Board of Oil, Gas and Mining  
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% Alexander H. Walker III,  
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Deputy State Director  
Bureau of Land Management  
440 West 200 South, Suite 500,  
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Julie Ann Carter